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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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DEBORAH STAMPFLI, an individual,
Plaintiff,

v.
SUSANVILLE SANITARY DISTRICT, a political subdivision of the State of California; STEVE J. STUMP, in his individual and official capacities; JOHN MURRAY, in his individual and official capacities; ERNIE PETERS, in his individual and official capacities; DAVID FRENCH, in his individual and official capacities; KIM ERB, in his individual and official capacities; MARTY HEATH, in his individual and official capacities; DOES I-V, inclusive; BLACK & WHITE CORPORATIONS I-V; and ABLE & BAKER COMPANIES, inclusive,

No. 2:20-cv-01566 WBS DMC

ORDER DENYING PLAINTIFF'S MOTION TO LIFT STAY FOR LIMITED DISCOVERY¹

Defendants.

¹ The motion is decided on the papers without oral argument pursuant to Local Rule 230(g).

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Defendant Steve J. Stump has appealed this court's
denial of his motion for summary judgment on the issue of
qualified immunity. (See Docket Nos. 113, 114, 117). This court
recently granted defendant's unopposed motion to stay the case
pending appeal. (Docket No. 123.) Having failed to file an
opposition to defendant's motion to stay, plaintiff now moves to
partially lift the stay in order to conduct limited discovery,
namely the deposition of non-party witness John Murray. (Pl.'s
Mot. (Docket No. 124).)

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The court concludes that plaintiff's counsel has failed
to act diligently in obtaining the Murray deposition over the
past seven months, despite counsel's longstanding awareness of
Mr. Murray's health problems. Accordingly, the court declines to
exercise its discretion to modify its previous order to permit
plaintiff's attorney to take Mr. Murray's deposition while this
matter is pending on appeal.²

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IT IS THEREFORE ORDERED that plaintiff's motion to lift
the stay to conduct limited discovery (Docket No. 124) be, and
the same hereby is, DENIED.

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Dated: May 30, 2023

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WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

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² At any rate, the court doubts whether a third
deposition will prove fruitful, given that Mr. Murray was unable
to complete the first two depositions due to his confusion and
inability to answer questions.